

## NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

### NOTICE OF FINAL RULEMAKING

#### TITLE 3. AGRICULTURE

#### CHAPTER 11. VETERINARY MEDICAL EXAMINING BOARD

##### PREAMBLE

1. **Sections Affected**

<u>Rulemaking Action</u>	
R3-11-105	Repeal
R3-11-105	New Section
R3-11-108	New Section
Table 1	New Table
R3-11-201	Repeal
R3-11-201	New Section
R3-11-301	Repeal
R3-11-301	New Section
R3-11-601	Repeal
R3-11-601	New Section
R3-11-606	New Section
R3-11-607	Repeal
R3-11-607	New Section
R3-11-707	New Section
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. §§ 32-2204(B), 32-2207(8), 32-2207(9).

Implementing statutes: A.R.S. §§ 32-2213(A), 32-2215, 32-2216, 32-2217.01, 32-2218, 32-2219, 32-2242, 32-2243, 32-2250, 32-2271, 32-2272, 32-2273, 41-1072 through 41-1078.
3. **The effective date of the rules**

December 11, 1998
4. **A list of all previous notices appearing in the Register addressing the final rule**

Notice of Public Meeting on Open Rulemaking Docket: 4 A.A.R. 1930, July 17, 1998.  
Notice of Rulemaking Docket Opening: 3 A.A.R. 320, February 7, 1997; 4 A.A.R. 1927, July 17, 1998.  
Notice of Proposed Rulemaking: 4 A.A.R. 2330, September 4, 1998.
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Louise Battaglia, Executive Director
Address:	Veterinary Medical Examining Board 1400 W. Washington, Suite 230 Phoenix, Arizona 85007
Telephone:	(602) 542-3095
Fax:	(602) 542-3093
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**

As required by A.R.S. §§ 41-1072 through 41-1078, the Board is establishing licensing time-frames for each type of license, permit, and certificate issued by the Board. The rules also set forth application requirements and provide definitions to clarify terms used in the rules.

In order to continue its licensing and oversight functions, the Board has determined that it must increase some fees. The fees for a regular veterinarian license application and state examination are being increased from \$325.00 to \$400.00 and for a veterinary technician from \$120.00 to \$150.00. Renewal fees are being changed as follows: veterinary license to \$350.00, veterinary technician to \$50.00, and veterinary premises license to \$75.00. The Board is also adding a \$5.00 fee for obtaining a directory on diskette, a \$15.00 fee for verifying a license, and a \$10.00 fee for providing an audio-tape recording.

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7. A reference to any study the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:

None

8. A showing of good cause why the rules are necessary to promote a statewide interest if the rule will diminish a previous grant of a political subdivision of the state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

A. Objective of the rulemaking

As required by A.R.S. §§ 41-1072 through 41-1078, the Board is establishing time-frames for approval to take an examination and for approving or denying a veterinary medical license, a temporary permit, a veterinary technician certificate, and a veterinary medical premises license. Additionally, the Board has determined that it must increase some fees to continue its licensing and oversight functions.

B. Identification of those affected by the rulemaking

The costs associated with implementation of the rules will be borne by the Board, veterinarians, applicants, consumers of veterinary medical services, owners of veterinary premises, and veterinary technicians. The primary beneficiaries of the rules are the animals and the animal owners throughout Arizona to whom veterinary medical services are being provided.

C. Summary of the economic, small business, and consumer impact statement.

The Board should experience a minimal increase in costs to comply with the licensing time-frames requirements. Most of the costs are for those instances in which it is necessary to send a letter of deficiency to an applicant.

Because the Board is a 90/10 agency, 90% of the Board's revenues from the collection of license application and renewal fees, examination fees, late renewal fees and other fees are deposited in the Board of Veterinary Medical Examiner's Fund. Ten percent is deposited in the general fund. In its April 1997 performance audit, the Arizona Auditor General made several recommendations which will require additional revenues to implement. A portion of the fees is necessary to defray the costs of the national examinations and for the administration of the examinations by the Board. Accordingly, the Board is increasing its fees as follows: The fees for a regular veterinarian license application and state examination are being increased from \$325.00 to \$400.00 and for a veterinary technician from \$120.00 to \$150.00. Renewal fees are being increased as follows: veterinary license to \$350.00, veterinary technician to \$50.00, and veterinary premises license to \$75.00. The Board is also adding a \$5.00 fee for obtaining a directory on diskette, a \$15.00 fee for verifying a license, and a \$10.00 fee for providing an audio-tape recording. Individuals requesting audio tapes, directories on diskette, or verification of licensure will be required to pay a fee to the Board. The Board is also increasing its fee for a duplicate license by \$5.00. The increases directly impact applicants, licensees, and certificate holders. Some licensees may pass the costs onto consumers.

The application requirements are already required by the Board and should not increase costs to an applicant.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The Board made the following changes to the rules to make them clear, concise, and understandable:

R3-11-108(A)

The Board replaced "application" with "application packet". The Board changed "required by the Board to be submitted with an application" to "the Board requires to be submitted by".

R3-11-108(C)(1)(a)

The Board changed "to take an examination" to "to take a veterinary or veterinary technician examination,"

R3-11-108(C)(1)(c)

The Board rewrote as follows: For approval or denial of a veterinary medical license when the applicant takes a state, national, or clinical competency veterinary examination required by A.R.S. § 32-2214;

R3-11-108(C)(1)(d)

The Board changed subsection (C)(1)(d) as follows and conformed subsequent relettering: For approval or denial of a veterinary technician certificate, when the applicant takes a veterinary technician examination required in A.R.S. § 32-2243; or

R3-11-108(D)(2)

The Board changed subsection (D)(2) to: "The Board shall send a written notice approving the applicant to take an examination or granting a license to an applicant who meets the qualifications and requirements in A.R.S. § 32-2201 through 32-2281 and this Chapter."

R3-11-108(E)

The Board added R3-11-108(E) as follows:

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The Board shall consider an application withdrawn if within 360 days from the application submission date the applicant fails to:

1. Supply the missing information under subsection (C)(2) or (D)(1); or
2. Take the dispensing optician examination.

R3-11-108(F)

The Board added the following R3-11-108(F) and conformed subsequent relettering: "An applicant who does not wish an application withdrawn may request a denial in writing within 360 days from the application submission date."

**Table 1**

The Board added a citation to rule and statutory authority for each type of approval granted by the Board.

R3-11-201.

The Board changed "...shall submit all of the following to the Board" to "...an application packet to the Board that contains:

R3-11-201(A)(3)

The Board added after "fees" "payable by certified check or money order."

R3-11-201(A)(3)(b)

The Board changed "as described in" to "under".

R3-11-301(A)(2)

The Board added after "temporary permit fee": ", payable by certified check or money order,"

R3-11-301(B)(2)(c)

The Board changed "to" to "of".

R3-11-606

The Board changed "all of the following to the Board:" to "an application packet to the Board that contains:"

R3-11-606(1)(a)

The Board deleted "sex, and birthdate" and added "social security number".

R3-11-606(2)

The Board changed the 1st sentence as follows: "The date of the applicant's national veterinary technician examination, if taken before submission of the application for certification."

R3-11-606(4)

The Board changed "By" to "A" and inserted "for" between "order" and "the".

R3-11-607(A)

The Board deleted "and mailed to the certificate holder".

R3-11-607(B)

The Board changed "in addition to" to "and" and added "as required in R3-11-105."

R3-11-707(A)(1)(b)

The Board added the following after "fee": ", payable by certified check or money order;"

**11. A summary of the principal comments and the agency response to them:**

Comment: One person asked when the new fee structure would become effective.

Response: The Board responded the fees would become effective December 1, 1998 after approval by the Governor's Regulatory Review Council and filing with the Secretary of State.

Comment: One person asked for clarification of the license and renewal fees.

Response: The Board stated that licenses are issued to applicants who take and pass the state examination. Licenses and certificates issued by the Board are renewed every 2 years. The license and renewal fees are used for the operation of the Board as mandated by statute.

The Board received no other comments regarding the final rulemaking.

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12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
None
13. Incorporations by reference and their location in the rules:  
None
14. Was this rule previously adopted as an emergency rule?  
No
15. The full text of t

**TITLE 3. AGRICULTURE**

**CHAPTER 11. VETERINARY MEDICAL EXAMINING Board**

**ARTICLE 1. GENERAL PROVISIONS**

**Section**

R3-11-105.	<u>Fees</u>
R3-11-105.	<u>Fees</u>
R3-11-108.	<u>Time-frames for Licensure, Certification, and Permit Approvals</u>
Table 1.	<u>Time-frames (in days)</u>

**ARTICLE 2. APPLICATION AND EXAMINATION FOR  
LICENSURE**

- R3-11-201. Application  
R3-11-201. Application for a Veterinary Medical License

**ARTICLE 3. TEMPORARY PERMITTEES**

- R3-11-301. Applications for Temporary Permits  
R3-11-301. Application for a Temporary Permit

**ARTICLE 6. VETERINARY TECHNICIANS**

- R3-11-601. Veterinary technician defined  
R3-11-601. Definition  
R3-11-606. Application for a Veterinary Technician Certificate  
R3-11-607. Renewal of Veterinary Technician Certificates  
R3-11-607. Renewal of Veterinary Technician Certificates

**ARTICLE 7. VETERINARY MEDICAL PREMISES**

- R3-11-707. Application for a Veterinary Medical Premises License

**ARTICLE 1. GENERAL PROVISIONS**

**R3-11-105. Fees**

- A. The Board will charge the following fees concerning veterinary licenses:
1. Original application and examination fee for regular licensing, \$325.00.
  2. Original application and examination for Specialty or Endorsement licensing, \$750.00.
  3. Application to take only the National Board Examination, \$225.00.
  4. Application to take only the Clinical Competency Test, \$200.00.
  5. Application to take both the National Board Examination and the Clinical Competency Test, \$325.00.
  6. License issuance fee:
    - a. In odd-numbered years, \$200.00, to expire December 31 of the year following issuance.
    - b. In even-numbered years, \$100.00, to expire December 31 of the year the license is issued.
  7. Biennial renewal fee of license, \$200.00.
  8. Reinstatement penalty, \$50.00.
  9. Issuance of a duplicate license, \$20.00.
  10. Temporary permit application, \$75.00.

- B. The Board will charge the following fees concerning veterinary technicians:

1. Application and examination, \$120.00.
2. Issuance of certificate:
  - a. In odd-numbered years, \$20.00, to expire on December 31 of the year following issuance.
  - b. In even-numbered years, \$10.00 to expire on December 31 of the year the license is issued.
3. Biennial renewal of license, \$20.00.
4. Delinquency penalty, \$25.00.
5. Duplicate certificate, \$20.00.

- C. The Board will charge the following fees concerning veterinary premises:

1. Issuance of license:
  - a. In odd-numbered years, \$100.00, to expire on December 31 of the year following issuance.
  - b. In even-numbered years, \$50.00 to expire on December 31 of the year the license is issued.
2. Biennial renewal of license, \$50.00.
3. Duplicate certificate, \$20.00.

- D. Pursuant to A.R.S. § 39-121.03, the Board shall charge the following fees for the duplication or copying of public records:

1. Noncommercial and commercial copy, 25 cents per page.
2. Copying requiring more than 15 minutes use of equipment and personnel shall be charged at the rate of \$5.00 for each additional 15 minute interval.
3. Directories for noncommercial use, 5 cents per name and address; if printed on labels, add 5 cents per name and address.
4. Directories for commercial use, 25 cents per name and address; if printed on labels, add 5 cents per name and address.
5. The Board reserves the right to waive the fees under this Subsection for charitable organizations and government entities.

- E. The Board may charge \$5.00 per copy of the veterinary laws and rules. Any licensee may obtain one free copy of this publication during each renewal period.

- F. All fees are nonrefundable.

- G. During the pendency of a complaint, there shall be no charge to either the veterinarian who is the subject of the complaint or a member of the public who has filed the complaint for duplication of public records regarding the complaint.

**R3-11-105. Fees**

- A. Veterinarian fees are as follows:

1. Regular license application and state examination \$400.00
2. Specialty or endorsement application and state examination \$750.00
3. National board examination, application only \$225.00
4. Clinical competency test, application only \$200.00

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5. Regular license application, national board examination, clinical competency examination application, and state examination \$400.00
6. License issued in odd-numbered year \$200.00
7. License issued in even-numbered year \$100.00
8. License renewal \$350.00
9. Reinstatement penalty \$50.00
10. Duplicate license \$25.00
11. Temporary permit \$75.00
12. Verification licensure fee \$15.00
- B. Veterinary technician fees are as follows:**
1. Application and examination \$150.00
2. Certificate issued in odd-numbered year \$30.00
3. Certificate issued in even-numbered year \$15.00
4. Certificate renewal \$50.00
5. Delinquency penalty \$25.00
6. Duplicate certificate \$20.00
- C. Veterinary premises fees are as follows:**
1. License issued in odd-numbered year \$100.00
2. License issued in even-numbered year \$50.00
3. License renewal \$75.00
4. Duplicate license \$20.00
- D. Fees for the duplication or copying of public records under A.R.S. § 39-121.03 are nonrefundable and are as follows:**
1. Noncommercial and commercial copy \$ .25 per page
2. Copying requiring more than 15 minutes \$5.00 for each 15-minute interval exceeding 15 minutes
3. Directories for noncommercial use \$ .05 per name and address
4. Directories for noncommercial use printed on labels \$ .10 per name and address
5. Directories for commercial use \$ .25 per name and address
6. Directories for commercial use printed on labels \$ .30 per name and address
7. A directory in (3), (4), (5), or (6) issued on a diskette \$5.00 and the applicable name and address fee
- E. During the pendency of a complaint, the Board shall not charge the veterinarian who is the subject of the complaint or the individual who has filed the complaint, for duplication of public records regarding the complaint.**
- F. The Board shall charge \$5.00 per copy of the veterinary statutes and rules. A licensee may obtain 1 free copy of the veterinary statutes and rules each renewal period.**
- G. The Board shall charge \$10.00 for each audio tape recording.**
- H. The Board shall waive any of the charges in subsection (D) for charitable organizations and government entities.**

**R3-11-108. Time-frames for Licensure, Certification, and Permit Approvals**

- A. In addition to the definitions in R3-11-101, the following definitions apply to this Chapter unless otherwise specified:**
1. "Administrative completeness review" means the Board's process for determining that an individual has provided all of the information and documents required by A.R.S. § 32-2201 through § 32-2281 and this Chapter for an application.
2. "Applicant" means an individual requesting a certificate, permit, or license from the Board.
3. "Application packet" means the fees, forms, documents, and additional information the Board requires to be submitted by an applicant or on the applicant's behalf.

4. "Days" means calendar days.
- B. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The overall time-frame and the substantive time-frame may not be extended by more than 25% of the overall time-frame.**
- C. The administrative completeness review time-frame described in A.R.S. § 41-1072 (1) for each type of approval granted by the Board is set forth in Table 1.**
1. The administrative completeness review time-frame begins:
- a. For approval to take a state, national, or clinical competency veterinary examination or veterinary technician examination, when the Board receives an application packet;
- b. For approval or denial of a temporary permit, when the Board receives an application packet;
- c. For approval or denial of a veterinary medical license when the applicant takes a state, national, or clinical competency veterinary examination required by A.R.S. § 32-2214;
- d. For approval or denial of a veterinary technician certificate, when the applicant takes a veterinary technician examination required in A.R.S. § 32-2243; or
- e. For approval or denial of a veterinary medical premises license, when the Board receives an application packet.
2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
- D. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.**
1. During the substantive review time-frame, the Board may make 1 comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
2. The Board shall send a written notice approving the applicant to take an examination or granting a license to an applicant who meets the qualifications and requirements in A.R.S. § 32-2201 through 32-2281 and this Chapter.
3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. § 32-2201 through § 32-2281 and this Chapter.
- E. The Board shall consider an application withdrawn if within 360 days from the application submission date the applicant fails to:**

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1. Supply the missing information under subsection (C)(2) or (D)(1); or
2. Take the state, national, or clinical competency veterinary examination or veterinary technician examination.
- F. An applicant who does not wish an application withdrawn may request a denial in writing within 360 days from the application submission date.
- G. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the next business day will be considered the time-frame's last day.

Table 1. Time-frames (in days)

<u>Type of Applicant</u>	<u>Type of Approval</u>	<u>Statutory Authority</u>	<u>Overall Time-frame</u>	<u>Administrative Completeness Time-frame</u>	<u>Substantive Review Time-frame</u>
<u>Veterinary Medical License by Examination (R3-11-201)</u>	<u>Approval to Take a National and Clinical Competency Examination</u>	<u>A.R.S. § 32-2214</u>	<u>60</u>	<u>15</u>	<u>45</u>
<u>Veterinary Medical License by Examination, Endorsement, or for a Specialty License(R3-11-201)</u>	<u>Approval to Take a State Examination</u>	<u>A.R.S. § 32-2214</u>	<u>60</u>	<u>15</u>	<u>45</u>
<u>Temporary Permittee (R3-11-301)</u>	<u>Temporary Permit</u>	<u>A.R.S. § 32-2216</u>	<u>30</u>	<u>15</u>	<u>15</u>
<u>Veterinary License by Examination, Endorsement, for a Specialty License, or Temporary Permittee (R3-11-201 &amp; R3-11-301)</u>	<u>Veterinary License</u>	<u>A.R.S. § 32-2212</u> <u>A.R.S. § 32-2213</u>	<u>60</u>	<u>15</u>	<u>45</u>
<u>Veterinary Technician (R3-11-606)</u>	<u>Approval to Take a Veterinary Technician Examination</u>	<u>A.R.S. § 32-2243</u>	<u>60</u>	<u>15</u>	<u>45</u>
<u>Veterinary Technician (R3-11-606)</u>	<u>Veterinary Technician Certificate</u>	<u>A.R.S. § 32-2242</u> <u>A.R.S. § 32-2244</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Veterinary Medical Premises (R3-11-707)</u>	<u>Veterinary Medical Premises License</u>	<u>A.R.S. § 2271</u> <u>A.R.S. § 32-2272</u>	<u>90</u>	<u>30</u>	<u>60</u>

**ARTICLE 2. APPLICATION AND EXAMINATION FOR LICENSURE**

**R3-11-201. Application**

- A. Any person who wishes to practice veterinary medicine or surgery may apply for a license issued by the Board. The application shall provide the information set forth at A.R.S. § 32-2213 and these rules. The Board shall review the application to determine whether the applicant meets the qualifications set forth at A.R.S. § 32-2215. If the Board determines that the applicant does not meet the qualifications, the Board shall deny the application and inform the applicant in writing within 60 days of its decision, and the reasons for the decision.
- B. An applicant whose application is denied by the Board may request a formal hearing before the Board within the time provided by statute, A.R.S. § 41-1065. The applicant shall bear the burden of proof at this hearing.

**R3-11-201. Application For a Veterinary Medical License**

- A. An applicant for a veterinary medical license shall submit an application packet to the Board that contains:
1. A notarized application form signed by the applicant that contains the information set forth in A.R.S. § 32-2213;

2. The documents required in R3-11-203; and
3. The applicable fees, payable by certified check or money order:
  - a. If applying for a regular license, the applicant shall submit the application and examination fee required in R3-11-105.
  - b. If applying for a license by endorsement under A.R.S. § 32-2215 (C) or a specialty license under A.R.S. § 2215(D), the applicant shall submit the application and examination fee, and the license issuance fee required in R3-11-105.
- B. Unless waived by A.R.S. § 32-2215(D), an applicant shall arrange to have an official transcript of the applicant's scores from the national board examination and clinical competency examination sent directly to the Board office by the professional examination service preparing the examination.
- C. If an applicant has passed the national and clinical competency examinations and is required to take only the state examination, the applicant shall submit the application no later than 30 days before the date the applicant intends to take the state examination.
- D. If an applicant is required to take the national, clinical competency, and state examinations, the applicant shall submit

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the application no later than 60 days before the date the applicant intends to take the examinations.

**ARTICLE 3. TEMPORARY PERMITTEES**

**R3-11-301. Application For Temporary Permits**

- A. In order to be eligible for a temporary permit, all applicants shall have graduated from a veterinary college.
- B. All applicants shall have applied and been accepted for the next scheduled Board examination for licensure.
- C. The applicant shall identify by name and practice address the Arizona licensed veterinarian or veterinarians under whom the applicant will be receiving "direct and personal instruction, control or supervision."
- D. Both the applicant and the supervising veterinarian shall submit notarized affidavits certifying their agreement and compliance with the temporary permit requirements.

**R3-11-301. Application For a Temporary Permit**

- A. An applicant for a temporary permit shall:
  - 1. Submit an application to the Board for licensure as required in R3-11-201(A)(1);
  - 2. Submit the application and examination fee and temporary permit fee, payable by certified check or money order, required in R3-11-105 to the Board;
  - 3. Schedule a date to take the state examination with the Board;
  - 4. After complying with subsections (A)(1) through (A)(3), submit all of the following to the Board:
    - a. A written request for a temporary permit, signed by the applicant, that states:
      - i. The name and business address of the licensed veterinarian who will employ the applicant; and
      - ii. The name of each licensed veterinarian who will provide direction, supervision, and control of the applicant;
    - b. Written documentation of graduation from a veterinary college; and
    - c. A sworn affidavit, signed by the applicant, stating the applicant:
      - i. Has graduated from a veterinary college;
      - ii. Has read and understands A.R.S. § 32-2216 and R3-11-301;
      - iii. Agrees to work under the direction, supervision, and control of the licensed veterinarian employing the applicant; and
      - iv. Agrees to notify the Board in writing within 10 days from the date of termination of employment.
- B. A licensed veterinarian employing an applicant for a temporary permit shall submit to the Board:
  - 1. A letter detailing:
    - a. The type of work to be conducted by the applicant;
    - b. The name of each licensed veterinarian who will assume direction, supervision, and control when the employing veterinarian is absent; and
    - c. The procedures, including frequency, for reviewing medical treatment and records of medical treatment of animals;
  - 2. A sworn affidavit, signed by the veterinarian, stating the veterinarian:
    - a. Is currently practicing veterinary medicine in Arizona;
    - b. Has read and understands A.R.S. § 32-2216 and R3-11-301;

- c. Accepts full responsibility for providing direction, supervision, and control to the applicant; and
- d. Agrees to notify the Board in writing within 10 days from the date of termination of applicant's employment.

**ARTICLE 6. VETERINARY TECHNICIANS**

**R3-11-601. Veterinary technician defined-**

A veterinary technician is a person employed by, and who works under the direction, supervision and control of an Arizona licensed veterinarian, and who is certified by the State Veterinary Medical Examining Board, who performs an act requiring judgment based on education or training and knowledge and application of the principles of animal technology in the care or maintenance of the health or the prevention of illness of animals, but does not include a person licensed by the Board to practice veterinary medicine.

**R3-11-601. Definition**

For the purposes of this Article "veterinary technician" means a person who:

- 1. Is employed by and works under the direction, supervision, and control of an Arizona licensed veterinarian;
- 2. Performs acts requiring judgment based on education or experience, knowledge, and application of the principles of animal technology in the care or maintenance of the health or the prevention of illness of animals;
- 3. Has passed a national and a state veterinary technician examination; and
- 4. Is not licensed by the Board to practice veterinary medicine.

**R3-11-606. Application for a Veterinary Technician Certificate**

No earlier than January 1 and no later than 65 days before an examination date, an applicant for a veterinary technician certificate shall submit an application packet to the Board that contains:

- 1. A notarized application form, signed by the applicant, containing:
  - a. The applicant's name, mailing address, residence and business telephone numbers, and social security number;
  - b. The name of the veterinarian currently employing applicant;
  - c. The name and address of the veterinary premises where applicant is employed; and
  - d. A statement of whether application is being made on the basis of education or experience:
    - i. If application is based upon education, the applicant shall submit written documentation of graduation from a school that meets the requirements in 32-2242(B)(1) with a curriculum in veterinary technology; or
    - ii. If application is based upon experience, the applicant shall submit the information required in subsections (A)(2) and (A)(3);
- 2. The date of the applicant's national veterinary technician examination, if taken before submission of the application for certification. The applicant shall arrange to have an official transcript of the applicant's scores from the national veterinary technician examination sent directly to the Board office by the professional examination service preparing the examination;
- 3. A notarized letter, as required in A.R.S. § 32-2242, from each Arizona licensed veterinarian who employed the applicant during the 2 years the applicant served as a veterinary technician, verifying the employment indi-

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cating the length of employment, and recommending the applicant; and

4. A certified check or money order for the application and examination fee required in R3-11-105.

**R3-11-607. Renewal of Veterinary Technician Certificate**

- A. ~~All certificate holders shall submit renewal fees and up-to-date information concerning current employment status, location of employment, and correct home and business mailing addresses prior to February 1 of every odd-numbered year on a renewal application form provided and mailed to all certificate holders by the Board.~~
- B. ~~Failure to submit the appropriate certificate renewal fee prior to February 1 of every odd-numbered year shall result in forfeiture of all privileges and rights extended by the certificate and the certificate holder must immediately cease and desist in engaging further in the performance of veterinary technician services until the compliance with the requirements of subsection (A) and payment of a delinquency fee in addition to the certificate renewal fee.~~

**R3-11-607. Renewal of Veterinary Technician Certificates**

- A. A certificate holder shall submit the renewal fee and information concerning current employment status, location of

employment, and correct home and business mailing address before February 1 of every odd-numbered year on a renewal application form provided by the Board.

- B. Failure to submit the certificate renewal fee before February 1 of every odd-numbered year shall result in forfeiture of all privileges and rights extended by the certificate. The certificate holder shall immediately cease performing veterinary technician services until complying with the requirements of subsection (A) and paying the delinquency fee required in R3-11-105 and the certificate renewal fee required in R3-11-105.

**ARTICLE 7. VETERINARY MEDICAL PREMISES**

**R3-11-707. Application for a Veterinary Medical Premises License**

- A. An applicant for a veterinary medical premises license shall:
1. Submit the following to the Board:
    - a. A notarized application form, signed by the responsible veterinarian, that contains the information set forth in A.R.S. § 32-2272; and
    - b. The fee required in R3-11-105, payable by certified check or money order; and
  2. Pass an inspection conducted by the Board.

**NOTICE OF FINAL RULE MAKING**

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 2. RADIATION REGULATORY AGENCY**

**MEDICAL RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS**

**PREAMBLE**

**1. Section Affected**

Article 3  
Article 3  
R12-2-301  
R12-2-301  
R12-2-302

**Rulemaking Action**

Repeal  
New Article  
Repeal  
New Section  
Repeal

**2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

General: A.R.S. § 32-2803(A), A.R.S. Title 41, Chapter 6, Article 7.1

Specific: A.R.S. §§ 32-2803(B) and (C), 32-2804, 32-2812, 32-2813, 32-2814, 32-2816, and 32-2841.

**3. The effective date of the rules:**

December 9, 1998.

**4. A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening: 3 A.A.R. 2520, September 12, 1997.

Notice of Proposed Rulemaking: 4 A.A.R. 2527, September 11, 1998.

**5. The name and address of agency personnel with whom persons may communicate regarding the rules:**

Name: John Gray

Address: Arizona Radiation Regulatory Agency  
4814 South 40th Street  
Phoenix, Arizona 85040

Telephone: (602) 255-4845 ext. 241

Fax: (602) 437-0705



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6. An explanation of the rule, including the agency's reasons for initiating the rule:  
Article 3 The existing Article heading and Sections are repealed. Application processing time-frames for radiologic technology certification and radiologic technology school approval are added as required by the new law A.R.S. § 41-1073.  
R12-2-301 The approved schools of radiologic technology are repealed. Listed are the time-frames for processing certificate and permit applications, and associated requirements that must be met by the Board.  
R12-2-302 Requirements for use of x-rays by radiologic students are repealed.
7. A reference to any study that the Agency proposes to rely on, its evaluation of or justification for the final rule and where the public may obtain or review the study, all data underlying the study, any analysis of the study or supporting material:  
None.
8. A showing of good cause why the rule is necessary to promote a state wide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:  
Not applicable.
9. The summary of the economic, small business, and consumer impact:  
With the exception of the Agency, the economic impact to all affected parties should be none to minimal. Failure to comply with the time-frames will result in the Agency having to meet the financial consequences described in A.R.S. § 41-1077.
10. A description of the changes between the proposed rules, including supplemental notices, and final rules:  
There is no difference between proposed and final rules.
11. A summary of the principal comments and the agency response to them:  
No comments were received as a result of this rule making.
12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
Not applicable
13. Incorporation by reference and their location in the rules:  
None
14. Were the rules previously adopted as emergency rules?  
No
15. The full text of the rules follows:

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 2. RADIATION REGULATORY AGENCY  
MEDICAL RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS**

**Article 3. Schools of Diagnostic and Therapeutic Radiologic Technology**

2202 West Anklam Road  
Tucson, AZ 85709

**ARTICLE 3. LICENSING TIME-FRAMES**

Section

- R12-2-301. School approval  
R12-2-301. Application Processing Time Frames  
R12-2-302. Use of x-rays by students

**ARTICLE 3. LICENSING TIME-FRAMES**

**R12-2-301. School approval**

- A. Pursuant to A.R.S. § 32-2804, the following schools of radiologic technology in the State of Arizona have been approved by the Board:

1. Northern Arizona University  
Department of Radiologic Technology  
Box 15075  
Flagstaff, AZ 86001
2. Maricopa Technical Community College  
Department of Radiologic Technology  
106 E Washington Street  
Phoenix, AZ 85004
3. Pima Community College  
Radiologic Technology Program

- B. In approving schools of radiologic technology, pursuant to A.R.S. § 32-2804, the Board shall approve those radiologic technology schools accredited by the Committee on Allied Health Education and Accreditation (CAHEA). A copy the accreditation publication of CAHEA is available for public review at the office of the Board and the Office of the Secretary of State.

**R12-2-301. Licensing Time-Frames**

- A. Within 30 days of receiving an initial or a renewal certificate or permit application package, the Board shall notify the applicant of any deficiencies found in the package. The Board shall provide a written comprehensive list of the deficiencies to the applicant. The 30 day time-frame for determining administrative completeness is suspended from the date the deficiency notice is mailed until the date that the Board receives all missing information from the applicant. If an applicant fails to supply the missing information or to request an extension of response time within 90 days from the date of the deficiency notice, the Board shall consider the application abandoned and require a new application with all appropriate fees.

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- B.** The Board shall render a certification or permit decision within 30 days after completion of the administrative completeness review time-frame, unless an extension of 15 days is agreed to by the applicant. If deficiencies are found in the application package, the Board shall make a written comprehensive request for additional information from the applicant. The 30 day time-frame for substantive review is suspended from the date the request is mailed until the date that the Board receives additional information from the applicant. If an applicant fails to respond to the written request or to request an extension of response time within 90 days of the notice, the Board shall consider the application abandoned and require a new application with all appropriate fees.
1. If an applicant is found to be ineligible, the Board shall provide the applicant a written notice of denial explaining:
    - a. The reason for the denial with citation to supporting statutes or rules;
    - b. The applicant's right to seek an appeal of the denial; and
    - c. The time periods for appealing the denial.
  2. If an applicant is found to be eligible, the applicant shall be notified and provided a certificate or permit number.
- C.** Within 60 days of receiving a school application package, The Board shall notify the applicant of any deficiencies found in the package. The Board shall provide a written comprehensive list of the deficiencies to the applicant. The 60 day time-frame for determining administrative completeness is suspended from the date the deficiency notice is mailed until the date that the Board receives all of the missing information from the applicant. If an applicant fails to supply the missing information or to request an extension of response time within 90 days from the date of the deficiency notice, the Board shall consider the application abandoned and require a new application with all appropriate fees.
- D.** The Board shall render a decision regarding school approval within 60 days after the completion of the administrative completeness review time-frame, unless an extension of 30 days is agreed to by the applicant. If deficiencies are found in

the application package, the Board shall make a written comprehensive request for additional information from the applicant. The 60 day time-frame for substantive review is suspended from the date the request is mailed until the date that the Board receives all additional information from the applicant. If an applicant fails to respond to the written request or to request an extension of response time within 90 days of the notice, the Board shall consider the application abandoned and require a new application with all appropriate fees.

1. If an applicant is found to be ineligible, the Board shall provide the applicant a written notice of denial explaining:
  - a. The reason for the denial with citation to supporting statutes or rules;
  - b. The applicant's right to seek an appeal of the denial; and
  - c. The time periods for appealing the denial.
2. If an applicant is found to be eligible, the applicant shall be notified and the application shall be provided to the Board for approval.

**E.** For the purposes of A.R.S. Title 41, Chapter 6, Article 7.1, the Board establishes the following time-frames in days:

Type of Application	Certification, Permit, and School Approval Time-frames		
	Administrative Completeness Review Time	Substantive Review Time-frame	Overall Time-frame
Certification or Permit	30	30	60
School Approval	60	60	120

**R12-2-302. Use of X-ray By Students**

Students may apply radiation to a human body only at the clinical facility of a school or college for the purpose of clinical practice in the use of x-ray equipment. They shall not be assigned to night or weekend experience or otherwise be required to apply radiation except under adequate supervision and then only when they derive sufficient educational benefit from such service.

## NOTICE OF FINAL RULEMAKING

### TITLE 15. REVENUE

#### CHAPTER 4. DEPARTMENT OF REVENUE PROPERTY AND SPECIAL TAX SECTION

#### PREAMBLE

1. **Sections Affected**

R15-4-110 R15-4-301 R15-4-303 R15-4-402 R15-4-506	<b><u>Rulemaking Action</u></b> Repeal Repeal Repeal Repeal Repeal
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2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. §§ 42-105 and 42-141.

Implementing statute: A.R.S. §§ 42-144, 42-144.01, 42-145, 42-179.01, 42-702, 42-704, 42-793 and 42-793.01.
3. **The effective date of the rules:**

December 11, 1998.

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4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 4 A.A.R. 1413, June 19, 1998.  
Notice of Proposed Rulemaking: 4 A.A.R. 2012, July 31, 1998.

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Cheryl Murray-Leyba, Administrator

Address: Valuations Section  
Arizona Department of Revenue  
1600 W. Monroe  
Phoenix, Arizona 85007

Telephone: (602) 542-3529

Or

Name: Ernest Powell, Tax Analyst

Address: Tax Research & Analysis Section  
Arizona Department of Revenue  
1600 W. Monroe  
Phoenix, Arizona 85007

Telephone: (602) 542-4672

Fax: (602) 542-4680

6. An explanation of the rule, including the agency's reasons for initiating the rule:

These rules deal with the valuation of property for property tax purposes. As a result of legislative changes and the 5-year review of Title 15, Chapter 4, the department is repealing these rules because they are repetitive of or contrary to current statute.

7. Reference to any study that the agency proposes to rely on and its evaluation of or justification for final rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

Not applicable.

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

9. The summary of the economic, small business, and consumer impact:

The repeal of these rules will benefit the public by eliminating repetitive and obsolete rules which no longer serve their intended purpose. The department will incur the costs associated with the rulemaking process. Taxpayers are not expected to incur any expense in the repeal of these rules.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

None

11. A summary of the principal comments and the agency response to them:

The department did not receive any written or verbal comments on the rule action after the publication of the rulemaking in the Notice of Proposed Rulemaking.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

13. Incorporations by reference and their location in the rules:

None.

14. Was the rule previously adopted as an emergency rule?

No.

15. The full text of the rules follows:

**TITLE 15. REVENUE**

**CHAPTER 4. PROPERTY AND SPECIAL TAX SECTION**

**ARTICLE 1. PROPERTY VALUATION**

**ARTICLE 3. VALUATION OF AIRLINE PROPERTY**

Section

R15-4-110. Taxpayer protest of valuations Repealed

R15-4-301. General Repealed

R15-4-303. Valuation procedure for airline flight property Repealed

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**ARTICLE 4. CLASS SEVEN LIMITED VALUE AND ASSESSMENT RATIO**

R15-4-402. Calculation of limited property value for railroads  
Repealed

**ARTICLE 5. VALUATION OF PIPELINE AND TELECOMMUNICATION COMPANIES**

R15-4-506. Residual value method Repealed

**ARTICLE 1. PROPERTY VALUATION**

**R15-4-110. Taxpayer protest of valuations**

From May 1 to May 10, valuations of mines, railroads, pipelines, gas, water, electric, and telecommunications companies, may be disclosed to such taxpayers upon request. Any such taxpayer who disagrees with the valuation of the Department of Revenue may file with the Department a written protest stating the grounds of objection. Such protest may be filed at any time between May 10 and May 20, inclusive. The Department shall decide such protest and make appropriate changes in the valuations when the taxpayer is granted relief. Such decisions and changes in valuation shall be made prior to the first Monday in June.

**ARTICLE 3. VALUATION OF AIRLINE PROPERTY**

**R15-4-301. General**

- A. For the purpose of determining the full cash value of flight property the Department shall annually utilize the original cost less depreciation method described in R15-4-303. Flight property shall be valued as of January 1 of the tax year.
- B. The limited property value shall be the full cash value of the property.
- C. The Department shall prepare valuation worksheets annually on the flight property of each airline company operating in Arizona. The worksheets will be furnished to the taxpayer upon request on or before the first Monday in June.
- D. Upon written request from the taxpayer, the Department shall hold informal conferences prior to the first Monday in June to review the full cash value determination. When the taxpayer cannot attend, the informal conference will be held by Department staff. The Department shall determine if a valuation change is appropriate and notify the taxpayer of its decision by letter dated on or before the first Monday in June.

**R15-4-303. Valuation procedure for airline flight property**

- A. The full cash value of flight property shall be determined by fleet type. The full cash value of each fleet type shall be its systemwide original cost less depreciation, multiplied by the Arizona allocation factor for that fleet type. Original cost shall be reported by fleet type.
- B. Depreciation shall be computed using fifteen year straight line depreciation to salvage value. Salvage value shall be ten percent of original cost of aircraft which are out of production and twenty five percent of original cost of aircraft which are being manufactured as of January 1 of the tax year.
- C. The full cash value for each fleet type operated in Arizona during the preceding calendar year, shall be allocated to Arizona based on the sum of the following ratios:
  - 1. One half of the ratio of total state ground time to total system ground time.
  - 2. One half of the ratio of Arizona mileage scheduled to total system mileage scheduled.
- D. In the event of an error in the assessed value caused by an error in reporting by the taxpayer, the Department shall correct the assessed value. If such correction results in an increase in value, the Department shall notify the taxpayer by

certified mail of the correct valuation at least twenty days in advance of the hearing at which such increase is proposed to be accomplished. If such correction results in a decrease in value, the Department shall notify the taxpayer of a reduction in the valuation.

**ARTICLE 4. CLASS SEVEN LIMITED VALUE AND ASSESSMENT RATIO**

**R15-4-402. Calculation of limited property value for railroads**

- A. The Department shall annually determine the limited property value of each parcel of railroad operating property by the first Monday in June of the tax year in accordance with this regulation. Each parcel of railroad operating property shall be identified by a four digit county tax area code. Each parcel shall include all operating railroad property located within that county tax area code, including any operating railroad property apportioned or distributed to that county tax area code.
- B. The limited property value of each parcel shall be the sum of the limited property value of the real property plus the full cash value of the personal property. The values of real and personal property shall reflect the value of all railroad property which the Department is required to value by A.R.S. § 42-762.
- C. The limited property value of the real property for each parcel shall be calculated in accordance with A.R.S. § 42-201.02.
- D. The limited property value for a parcel that was not valued by the Department in the prior tax year, or for a parcel that has been modified by construction, destruction or demolition since the prior tax year, or for a parcel that has been split, subdivided or consolidated since the prior tax year, shall be established at the following level or percentage of its full cash value: the ratio which the limited property value of all other operating railroad parcels bears to the full cash value of such property for the current tax year. The value of personal property shall be excluded from the calculation of the above ratio.
- E. If the full cash value of a railroad is changed after the first Monday in June of the tax year, the Department shall recalculate the limited property value of each parcel based on the revised full cash value.

**ARTICLE 5. VALUATION OF PIPELINE AND TELECOMMUNICATION COMPANIES**

**R15-4-506. Residual value method**

- A. The residual value method shall be used as a test of the reconciled value estimate derived by the three approaches described in R15-4-503, R15-4-504, and R15-4-505. If the reconciled value, after allocation to Arizona, falls below residual value, then the residual value shall be the full cash value of the subject property. The Department shall determine the appropriate residual factors to be used in the valuation of pipeline and telecommunications properties.
- B. Residual value shall be calculated as follows:
  - 1. Original cost of operating property including plant in service, materials and supplies, and gas stored underground (noncurrent only);
  - 2. Less the original cost of the land;
  - 3. Multiplied by the residual factor for that industry;
  - 4. Allocated to Arizona;
  - 5. Plus the market value of the Arizona land;
  - 6. Plus the book value of construction work in progress in Arizona;

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7. ~~Plus the market value of leased and rented properties times the Arizona allocation factor.~~

**NOTICE OF FINAL RULEMAKING**

**TITLE 15. REVENUE**

**CHAPTER 5. DEPARTMENT OF REVENUE  
TRANSACTION PRIVILEGE AND USE TAX SECTION**

**PREAMBLE**

- |                                    |                                 |
|------------------------------------|---------------------------------|
| <b>1. <u>Sections Affected</u></b> | <b><u>Rulemaking Action</u></b> |
| R15-5-152                          | New Section                     |
| Article 6                          | Amend                           |
| R15-5-606                          | Amend                           |
| R15-5-607                          | New Section                     |
| R15-5-2340                         | New Section                     |
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. §§ 42-105, 42-1303.  
Implementing statute: A.R.S. §§ 42-1310.01; 42-1310.16; 42-1408.
- 3. The effective date of the rule:**  
December 11, 1998.
- 4. A list of all previous notices appearing in the Register addressing the final rule:**  
Notice of Rulemaking Docket Opening: 3 A.A.R. 1418, May 30, 1997.  
Notice of Rulemaking Docket Opening: 3 A.A.R. 1937, May 18, 1997.  
Notice of Rulemaking Docket Opening: 4 A.A.R. 1074, May 8, 1998.  
Notice of Proposed Rulemaking: 4 A.A.R. 1096, May 15, 1998.
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Christie Comanita  
Address: Tax Research & Analysis Section  
Arizona Department of Revenue  
1600 W. Monroe  
Phoenix, Arizona 85007  
Telephone: (602) 542-4672  
Fax Number: (602) 542-4680
- 6. An explanation of the rule, including the agency's reasons for initiating the rule:**  
The rules provide guidance in the application of the transaction privilege tax to persons engaged in business under the retail and prime contracting classifications. In addition, the rules provide information on the imposition of transaction privilege and use taxes on the sale or purchase of tangible personal property that is intended to be incorporated into a soil remediation project.
- 7. Reference to any study that the agency relied on and its evaluation of or justification for final rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**  
Not applicable.
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable.
- 9. The summary of the economic, small business, and consumer impact:**  
Identification of the Rulemaking:  
  
The rules provide guidance in the application of the transaction privilege tax to persons engaged in business under the retail and prime contracting classifications. In addition, the rules provide information on the imposition of transaction privilege and use taxes on the sale or purchase of tangible personal property that is intended to be incorporated into a soil remediation project.  
  
Summary of Information in the Economic, Small Business, and Consumer Impact Statement:  
  
It is expected that the benefits of the rules will be greater than the costs. The amendment of these rules and the addition of the new sections will benefit the public by clarifying vague and confusing issues. The department will incur the costs associated with the rulemaking process. Taxpayers are not expected to incur any expense in the making and amending of these rules.

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10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):  
The Secretary of State's Office made the following grammatical changes to the rules.  
Page 7, R15-5-606, Semi-colons were deleted at the end of the lists of activities and replaced with commas.
11. A summary of the principal comments and the agency response to them:  
The Department did not receive any written or verbal comments on the rules after the publication of the rules in the Notice of Proposed Rulemaking.
12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
None.
13. Incorporations by reference and their location in the rules:  
None.
14. Was the rule previously adopted as an emergency rule?  
No.
15. The full text of the rules follows:

**TITLE 15. REVENUE**

**CHAPTER 5. DEPARTMENT OF REVENUE  
TRANSACTION PRIVILEGE AND USE TAX SECTION**

**ARTICLE 1. RETAIL CLASSIFICATION**

Section

R15-5-152. Tangible Personal Property Used in Soil Remediation Activities

**ARTICLE 6. Sales Tax—PRIME CONTRACTING  
CLASSIFICATION**

Section

R15-5-606. Land Clearing clearing and Well well Drilling drilling

R15-5-607. Termite Control

**ARTICLE 23. USE TAX**

R15-5-2340. Tangible Personal Property Used in Soil Remediation Activities

**ARTICLE 1. RETAIL CLASSIFICATION**

R15-5-152. Tangible Personal Property Used in Soil Remediation Activities

The gross receipts from the sale of tangible personal property incorporated or fabricated into any real property, structure, project, development or improvement under a contract specified in A.R.S. § 42-1310.16(B)(6) are exempt from tax. The gross receipts from the sale of tangible personal property used in soil remediation activities but not incorporated or fabricated into any real property, structure, project, development or improvement are taxable.

**ARTICLE 6. Sales Tax—PRIME CONTRACTING  
CLASSIFICATION**

R15-5-606. Land Clearing clearing and Well well Drilling drilling

- A. A person engaged in the business of Original land clearing, leveling, ditching, well drilling, installing and installation of pumps in wells, and original land clearing for others is taxable under the prime contracting this classification as contracting.
- B. Subsequent repair or replacement of pumps is taxable under the retail classification (see Article 18). The installation of groundwater measuring devices required under A.R.S. § 45-604 and groundwater monitoring wells required by law is not taxable.

C. The excavation, removal, and transportation of contaminated soil and the treatment or disposal of the contaminated soil is not taxable.

D. The installation of structures, such as cutoff walls or caps, to contain contaminants present in ground water or soil and prevent the contaminants from reaching a location which could threaten human health or welfare or the environment is not taxable.

E. Agricultural production on tillage of improved farm lands, such as plowing, is not taxable.

1. Agricultural production includes the following activities:

- a. Cultivating.
- b. Disking.
- c. Planting.
- d. Plowing.
- e. Seeding, and
- f. Any other activity that directly relates to the production of crops on improved farm lands.

2. Agricultural production does not include the following activities:

- a. Installation or repair of drainage or irrigation delivery systems.
- b. Construction or repair of farm buildings or structures, or
- c. Any other activity which is not directly related to the production of crops on improved farm land.

R15-5-607. Termite Control

A person engaged in the business of treating real property for termite control is subject to tax under the prime contracting classification.

**ARTICLE 23. USE TAX**

R15-5-2340. Tangible Personal Property Used in Soil Remediation Activities

The purchase of tangible personal property for incorporation or fabrication into any real property, structure, project, development or improvement under a contract specified in A.R.S. § 42-1310.16(B)(6) is exempt from tax. The purchase of tangible personal property used in soil remediation activities but not incorporated or fabricated into any real property, structure, project, development or improvement is taxable.

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TITLE 17. TRANSPORTATION

CHAPTER 4. ARIZONA DEPARTMENT OF TRANSPORTATION  
MOTOR VEHICLE DIVISION

PREAMBLE

1. Sections Affected  
R17-4-218  
Appendix A  
R17-4-218
- Rulemaking Action  
Repeal  
Repeal  
New Section
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):  
Authorizing statute: A.R.S. § 28-366.  
Implementing statutes: A.R.S. §§ 28-2159, 28-5807.
3. The effective date of the rules:  
December 8, 1998.
4. A list of all previous notices appearing in the Register addressing the final rule:  
Notice of Rulemaking Docket Opening: 3 A.A.R. 3497, December 12, 1997.  
Notice of Proposed Rulemaking: 4 A.A.R. 1580, July 6, 1998.
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:  
Name: Lynn S. Golder, Rules Attorney  
Address: Arizona Department of Transportation  
Motor Vehicle Division  
4747 North 7th Avenue, 3rd Floor  
Phoenix, Arizona 85013  
Telephone: (602) 255-7941  
Fax: (602) 241-1624
6. An explanation of the rule, including the agency's reasons for initiating the rule:  

The Arizona Department of Transportation, Motor Vehicle Division (MVD) initiated the rulemaking to repeal the obsolete rule and make a new rule. The obsolete rule implemented staggered vehicle registration in Arizona in 1975 by providing that registrations expire on the last day of each month. MVD has made a new rule that provides for initial registration expiration and renewal registration expirations on the 15th day of the month for included vehicles with an effective date of registration both after December 31, 1998, and on or before the 15th day of the month. The registration expirations of all other included vehicles will remain the last day of the month. The rule defines "included vehicle."

Under the obsolete rule, MVD's workload was greatly increased around the last day of each month, causing inconvenience to the public and additional expense to the State. The new rule promotes distribution of the included vehicle registration workload in a manner that is more accommodating to the public and more economical to the State. The new rule provides a registration expiration schedule that is beneficial to the public and the State.

A.R.S. § 28-2159(B), formerly § 28-313.01(B), became effective in 1975 and gives the Director broad authority to establish vehicle registration expiration schedules and to set multiple renewal periods. A.R.S. § 28-5807(A), formerly § 28-1591(B), was enacted in 1989. This provision, part of the vehicle license tax statutory scheme, addresses the general concept of initial registration expiration. Although mandatory in form, § 28-5807 is directory and consistent with § 28-2159. *Traylor v. Thorneycroft*, 134 Ariz. 482, 657 P.2d 895 (App. 1982); *Forino v. Arizona Department of Transportation*, 191 Ariz. 77, 952 P.2d 315 (App. 1997). The language of § 28-5807(A) regarding 12-month initial registration does not preclude biennial initial registration pursuant to § 28-2159(E), as amended by Laws 1998, Ch. 200, § 2, effective August 21, 1998. Similarly, the language of § 28-5807(A) does not diminish the Director's authority over registration expiration schedules and renewal periods.
7. A reference to any studies that the agency proposes to rely on in its evaluation of or justification for the final rule, and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:  
Not applicable.
8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:  
Not applicable.

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**9. The summary of economic, small business, and consumer impact:**

The new rule will allow more efficient use of State resources by distributing within each month MVD's registration of included vehicles. The State is experiencing steady population growth and an economy that fosters new vehicle purchases. The new rule will benefit owners of included vehicles and other MVD customers by minimizing increases in waiting time and other inconvenience. The new rule is nonintrusive and will not impact existing vehicle registration expirations.

Although MVD expects more included vehicles to be registered after December 31, 1998, the new rule will minimize any increases in the cost of overtime and compensatory time paid to full-time State employees and of regular time paid to temporary workers due to registration of included vehicles. MVD does expect that full-time State employees will need to work some overtime hours and that temporary workers will be needed to process the mid-month registration expirations after December 31, 1998. However, as the balance of registration expirations between the end of the month and the middle of the month gradually evens out over a period of years, MVD expects the amounts paid for overtime, compensatory time, and temporary workers to stabilize or decrease. In fact, MVD expects as early as December 1999 to have some relief from the regular December registration-processing pressure. The pressure resulted from commercial vehicles, whose registrations historically expired at the end of the calendar year.

Additionally, MVD expects that mid-month registration expiration will minimize waiting time at MVD offices around the end of each month, despite more included vehicles. MVD expects that as mid-month and end-of-month registration expirations gradually become more even, waiting times at the end of the month will stabilize or be reduced. The mid-month registration expiration will also help to prevent increases in the turnaround time for registrations sent by mail.

MVD has determined that the benefits to the public and to the State from the added mid-month registration expiration outweigh the costs of making and implementing the rule.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

The final rule contains numerous changes from the proposed rule in subsection structure and word choice. MVD undertook the changes to make the final rule more clear, concise, and understandable. The changes do not affect the substance of the rule establishing registration expiration on the 15th day of the month for certain vehicles initially registered after the date stated in the rule.

For clarity, the final rulemaking list of sections affected states "Appendix A Repeal" and the table of contents states "Appendix A Repealed." The Notice of Proposed Rulemaking did set forth Appendix A in the list of sections affected or the table of contents.

To promote clarity, conciseness, and understandability, the final rule does not include definitions for the following terms:

"month" -- A.R.S. § 1-215(21) defines the term when used in an Arizona statute as "a calendar month unless otherwise expressed;"

"registration" -- the terms "initial registration" and "renewal registration" are defined in the rule, and no further definition of registration is necessary;

"renewal period" -- the term is not used in the rule; and

"[12] o'clock midnight" -- inclusion of "[12] o'clock" was contrary to the publishing style of the Secretary of State, and the term "midnight" is generally understood without definition.

For conciseness, the final rule includes a definition of "day" that makes reiteration of the phrases "midnight on the last day of the month" or "midnight on the 15th day of the month" unnecessary.

For accuracy, "daily" retrieves replaces retrieves "on the next business day" in the final rule's definition of "drop box."

For clarity, the final rule includes a definition of "effective date of registration," the correct term of art in vehicle registration. The meaning of the phrases "initial registration before or after" a particular date or "the first day of registration" used in the proposed rule was unclear.

For conciseness, transmission "by computer" replaces "computer-to-computer transmission" in the final rule's definition of "electronic delivery."

For clarity, the final rule deletes "not excluded" from the definition of "included vehicle" and defines "included vehicle" as "a vehicle subject to annual or biennial Arizona registration unless otherwise excluded from the staggered registration implemented by this Section."

For clarity, the definition of "registration fees" in the final rule reads, "the fees due at the time of registration and consisting of..." In the proposed rule "due at the time of registration" ended the definition.

For conciseness, the final rule deletes "observed on a weekday in accordance with A.R.S. § 1-301" from the definition of "regular business day."

For clarity and conciseness, the final rule changes "for a service fee charged and collected by the [3rd]-party provider" to "an entity that... charges and collects a service fee from the person" in the definition of "3rd-party electronic delivery provider." The final rule changes "a public or private entity" to "an entity," encompassing both types of entities. The final rule also changes "electronically or telephonically" to "by computer or telephone."



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For clarity and conciseness, the final rule changes "for a service fee charged and collected by the [3rd]-party provider" to "an entity authorized... to charge and collect a service fee" in the definition of "3rd-party provider of registration functions." The final rule changes "a public or private entity" to "an entity," encompassing both types of entities. The final rule also changes A.R.S. § 28-5101 to A.R.S. Title 28, Chapter 13, Article 1.

For clarity and conciseness, the final rule uses the term "person" rather than "applicant for vehicle registration" in subsections R17-4-218(A), R17-4-218(F), R17-4-218(G), and R17-4-218(H).

The final rule changes the significant date in subsections R17-4-218(C) and R17-4-218(D) to January 1, 1999, from December 1, 1998. The date change was made for the convenience of the public and MVD.

In the proposed rule all 8 subsections, R17-4-218(A) through R17-4-218(H), had a heading. In the final rule only the definitions subsection R17-4-218(A) retains a heading. The other subsections have been restructured for clarity and conciseness. The final rule contains 11 subsections, through R17-4-218(K).

The final rule adds "a moped" and "a vehicle operated solely in seasonal agricultural work..." as exclusions under subsection R17-4-218(B). These changes are based on the MVD's determination, after drafting the proposed rule, that the additional exclusions were appropriate.

For clarity and conciseness, subsection R17-4-218(E) of the final rule simply expresses renewal registration expiration for all included vehicles as 12 or 24 months "from the expiration of the previous registration period."

For conciseness, subsections R17-4-218(H) and R17-4-218(I) of the final rule do not reiterate the renewal registration items and instead reference subsection R17-4-218(F).

For clarity, subsections R17-4-218(B) through R17-4-218(I) of the final rule now have "and" or "or" before the last item in a numbered series.

The final rule omits "Any other required item" from subsection R17-4-218(F) as being unclear and overly broad.

For clarity, the final rule adds "shipping" before the 1st use of the term "package" in subsection R17-4-218(I)(3) to signify the express mail carrier's packaging.

The final rule adds "3rd-party provider of registration functions" to the 1st line of subsection R17-4-218(K) and to R17-4-218(K)(3) as an issuer of vehicle number plates and tabs or stickers. For clarity, the final rule deletes "appropriately" from R17-4-218(K)(1). Subsection R17-4-218(K)(3) retains the term "appropriate" because some included vehicles are required to display tabs or stickers on a front number plate rather than a rear number plate. For clarity, the final rule changes "of an included vehicle" in subsection R17-4-218(K)(2) to "of the vehicle" because the penalties for improper number plate display apply to all vehicles, not just included vehicles.

The final rule replaces all spelled numbers with Arabic numbers and deletes "[12] o'clock midnight," in accordance with the publishing style of the Secretary of State.

**11. A summary of the principal comments and the agency response to them:**

No member of the public submitted a comment on the proposed rulemaking.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable.

**13. Incorporations by reference and their location in the rules:**

Not applicable.

**14. Was this rule previously adopted as an emergency rule?**

No.

**15. The full text of the rules follows:**

**TITLE 17. TRANSPORTATION**

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION  
MOTOR VEHICLE DIVISION**

**ARTICLE 2. TITLES AND REGISTRATION**

**Section**

R17-4-218 ~~Staggered registration~~ **Repealed**

Appendix A ~~Repealed~~

R17-4-218 Staggered Registration for Included Vehicles

**ARTICLE 2. TITLES AND REGISTRATION**

**R17-4-218 ~~Staggered registration~~ REPEALED**

A. ~~All vehicles registered in Arizona in 1974 will be renewed during January and February 1975 for varying periods of time according to the following schedule: (see Appendix A for explanation of categories).~~

Description	Registration will expire the last day of:
Category C, when declared gross weight is 8001 or more pounds	December 1975

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Category-D December 1975

Category-G, when declared gross weight is 8001 or more pounds, or flat flat rate weight fee is paid as a part of a gross combination weight declaration

December 1975

Category-G, when declared gross weight is 8000 pounds or less

January 1976

Category-H January 1976

All other vehicles not included above will be renewed for varying periods according to the last or terminal number, on the license plate(s) assigned to the vehicle during 1974 as follows:

Last plate number 1	November 1975
Last plate number 2	February 1976
Last plate number 3	March 1976
Last plate number 4	April 1976
Last plate number 5	May 1976
Last plate number 6	June 1976
Last plate number 7	July 1975
Last plate number 8	August 1975
Last plate number 9	September 1975
Last plate number 0	October 1975

B. All renewal registrations issued in accordance with the schedule in subsection (A) of this rule will have the registration fee, declared gross weight fee and vehicle license tax prorated according to the number of months between January 1975 and the month of expiration, inclusive.

C. Subsequent registration renewals will be due on or before the last day of the month stated in schedule and will be deemed delinquent if not paid to a registering officer on or before that date. Delinquent renewal applications will be subject to the penalty imposed by A.R.S. § 28-318. The renewal registrations will be issued, and the fees and taxes paid for twelve months from the expiration date.

D. Any vehicle not registered in this state during 1974 and for which Arizona registration is sought beginning in January 1975 will be registered for a twelve-month period beginning with the first day of the month in which application is made to a registering officer, except for the following:

1. Those vehicles described in the original schedule whose 1975 registrations will expire in December 1975, consisting primarily of vehicles over 8,000 pounds declared gross weight, trailers registered under gross combination weight regulations, and commercial buses, will be registered at time of initial application for the balance of the time to include the next ensuing December. In such cases, the weight fee and vehicle license tax shall be prorated in accordance with the pertinent statutory authority.

2. All vehicles, regardless of category or vehicle type, registered in this state pursuant to Article 1.1, Chapter 2, Title 28, A.R.S., commonly referred to as a pro rate registration, shall be registered on a calendar year basis, in accordance with applicable laws, regulations and agreements.

E. For purposes of determining the applicability of delinquent or late registration penalties pursuant to A.R.S. § 28-318, an application for transfer of license plates pursuant to A.R.S. § 28-308(D), or registration or re-registration of a vehicle pursuant to A.R.S. § 28-314(A), shall be deemed delinquent if it is not received by a registering officer within ten business days of the date of assignment to the applicant on the certificate of title, the date on an accompanying lien instrument or purchase agreement between the applicant and seller, which

ever is earlier. For purposes of this rule, business days shall mean those days on which state offices are required by law to be open for business with the general public. If a vehicle is sold or a license plate transferred to another vehicle on a Saturday, Sunday or other state legal holiday, the ten-day limitation shall be computed from the next regular business day.

F. When any application for registration, re-registration, renewal or transfer of license plate to another vehicle is sent through the United States mail, it shall be deemed received by the registering officer, for the purpose of avoiding penalties only, on the date shown by the postmark stamped on the envelope containing the application.

G. The number plates issued as evidence of registration of passenger vehicles, trucks and trailers for the registration periods beginning January 1, 1975, shall be identical with the number plates issued for 1973, but each plate displayed on the rear of the vehicle or, in the case of truck tractors, the plate displayed on the front of the vehicle shall have displayed thereon a reflectorized sticker to be furnished by the Division bearing the year numeral of the year of expiration and a serial number which number shall be recorded on the registration card by the registering officer. The Division shall also furnish a second reflectorized sticker bearing the standard three-letter abbreviation indicating the month of expiration. When the stickers have been affixed to the number plate in accordance with instructions enclosed with the stickers, the plate shall constitute a valid license plate for the registration period specified. The display of either reflectorized sticker on a plate other than the plate to which originally assigned by the registering officer shall be considered to alter the number plate and make the assignee of the plate subject to appropriate action provided for in A.R.S. §§ 28-308(B) and 28-326. This Section shall not apply to dealer plates, transporter plates, motorcycle plates or thirty day plates.

H. When a license plate or plates is transferred to a replacement vehicle, a new registration fee shall be paid, together with any other applicable transfer or title fees. The vehicle license tax shall be calculated for the replacement vehicle, prorated to the expiration date of the license plates being transferred. If the prorated tax due for the replacement vehicle is greater than the prorated unexpired portion of the tax paid for the replaced vehicle, the amount of the difference between the two shall be paid to the registering officer. There shall be no refund if the tax due for the replacement vehicle is less than the unexpired prorated tax paid for the replaced vehicle. All proration shall be calculated on the basis of one twelfth of the total tax for each calendar month or portion thereof.

I. If the vehicles involved in a transfer of license plates are subject to weight fees, the owner shall make a new declaration of gross vehicle weight, pursuant to A.R.S. § 28-206. If the gross weight is increased, an additional weight shall be paid based upon the difference between the fee due at time of the transfer of the license plates for the weight class in which the original vehicle or vehicle combination was registered and the fee due at the time of the transfer of the license plates for the weight class in which the replacement vehicle or vehicle combination is declared. If the weight class is reduced, there shall be no reduction or refund allowable for any part of the original weight fee previously paid.

J. When an owner has been required to register a vehicle for a period in excess of 12 months during the change over to the monthly series registration system, and he shall have moved out of the state or ceased to operate the vehicle after expiration of one year, he shall, upon surrender of his license plates and upon furnishing satisfactory evidence of his removal

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from the state or cessation of operation, be entitled to a refund to be computed on the basis of one-twelfth of the full-year registration fee prescribed for such vehicles, multiplied by the number of months not to exceed six which have not expired at the time of his removal or cessation of operation. The refunds shall be paid from current receipts of the respective fees prior to distribution by the registering officer.

- K. All Arizona license plates affixed to vehicles in the sales inventory of a licensed Arizona vehicle dealer as of 12:01 AM, January 1, 1975, shall be delivered to the Motor Vehicle Division or its authorized agents on or before January 10, 1975.

**APPENDIX A**

Category	Vehicle Type	Plate Configuration*
A	Sedan, Coupe, Roadster, Station Wagon, Carriage	aaaaaa, Horseless
	Wagon, convertible, Bus, Special Classic Car, Amateur Radio	
B	Same as above - Rental or Lease	aaa-aaa Amateur Radio
	Vehicles only	
C	All types, self-propelled, registered for commercial use	naaaaa, ADaaaa
D	Bus	nZaaaa
E	Taxi	nZaaaa
F	Now combined with G	
G	Trailer, boat Trailer, Semi-Trailer	Taaaaaa, Xaaaaa, Adaaaa
H	Motorcycles	aaaaMC, aaaaMC, aaaaMC
I	1/2 Ton or less Pickup Trucks not registered commercially	Naaaaa, aNaaaa
J	Travel Trailers	Aaaaaa
	* "a" means a random letter of the alphabet	
	"n" means a random number	

Capitalized letters mean only those letters appear in the positions given. There are no variables.

**R17-4-218. Staggered Registration for Included Vehicles**

- A. Definitions. In this Section, unless the context otherwise requires:

1. "Day" means the 24-hour period from midnight to midnight.
2. "Drop box" means a receptacle designated by the Motor Vehicle Division into which a person places vehicle registration forms and fees and from which the Motor Vehicle Division daily retrieves these items.
3. "Effective date of registration" means the date the vehicle 1st becomes subject to registration fees in Arizona.
4. "Electronic delivery" means a 3rd-party electronic delivery provider's transmission of registration information and credit card information by computer to the Motor Vehicle Division.
5. "Included vehicle" means a vehicle subject to annual or biennial Arizona registration unless otherwise excluded from the staggered registration implemented by this Section.
6. "Initial registration" means the 1st registration of an included vehicle in Arizona.
7. "Registration fees" means the fees due at the time of registration and consisting of the general registration fee imposed by A.R.S. § 28-2003, the vehicle license tax imposed by A.R.S. § 28-5801, and the commercial registration fee and gross weight fee imposed by A.R.S. § 28-5433.

8. "Registration period" means the time-frame during which a vehicle registration is valid.
  9. "Regular business day" means a day other than a Saturday, Sunday, or holiday.
  10. "Renewal registration" means the 2nd and subsequent registrations of an included vehicle.
  11. "3rd-party electronic delivery provider" means an entity that receives vehicle registration information and credit card information from a person by computer or telephone, transmits the information to the Motor Vehicle Division by computer, and charges and collects a service fee from the person.
  12. "3rd-party provider of registration functions" means an entity authorized by A.R.S. Title 28, Chapter 13, Article 1 to process a vehicle registration for a person and to charge and collect a service fee.
- B. The staggered registration implemented by this Section excludes the following vehicles:
1. A vehicle exempt from registration;
  2. A vehicle subject to any of the following types of registration:
    - a. Allocated registration in accordance with A.R.S. § 28-2261,
    - b. Apportioned registration in accordance with A.R.S. § 28-2261,
    - c. Fleet registration in accordance with A.R.S. § 28-2202, or
    - d. Interstate registration in accordance with A.R.S. § 28-2052;
  3. A vehicle subject to a 1-time registration fee;
  4. A government vehicle, a vehicle owned by an official representative of a foreign government, or an emergency vehicle owned by a nonprofit organization as provided by A.R.S. § 28-2511(A);
  5. A noncommercial trailer that is not a travel trailer as defined by A.R.S. § 28-2003(B) and is less than 6000 pounds gross vehicle weight in accordance with A.R.S. §§ 28-2003(A)(7) and 28-5801(C);
  6. A moped; and
  7. A vehicle operated solely in seasonal agricultural work and subject to a reduced gross weight fee in accordance with A.R.S. § 28-5436.
- C. The initial registration of an included vehicle with an effective date of registration before January 1, 1999, shall expire as follows:
1. If a vehicle weighs 8001 pounds or more and is subject to the gross weight fee:
    - a. Annual registration expires on the last day of December the year the vehicle is subject to Arizona registration; or
    - b. Biennial registration expires on the last day of December the year after the vehicle is subject to Arizona registration;
  2. If a vehicle weighs less than 8001 pounds and is subject to the gross weight fee:
    - a. Annual registration expires on the last day of the month 12 months from the month the vehicle is subject to Arizona registration; or
    - b. Biennial registration expires on the last day of the month 24 months from the month the vehicle is subject to Arizona registration; or
  3. If a vehicle is not subject to the gross weight fee:
    - a. Annual registration expires on the last day of the month 12 months from the month the vehicle is subject to Arizona registration; or

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- b. Biennial registration expires on the last day of the month 24 months from the month the vehicle is subject to Arizona registration.
4. Proration of registration fees shall be in accordance with A.R.S. §§ 28-2159, 28-5807, and 28-5434.
- D. Regardless of weight, the initial registration of an included vehicle with an effective date of registration after December 31, 1998, shall expire as follows:
1. If a vehicle has an effective date of registration from the 1st day through the 15th day of the month:
- a. Annual registration expires on the 15th day of the month 12 months from the month the vehicle is subject to Arizona registration; or
- b. Biennial registration expires on the 15th day of the month 24 months from the month the vehicle is subject to Arizona registration; or
2. If a vehicle has an effective date of registration from the 16th day through the last day of the month:
- a. Annual registration expires on the last day of the month 12 months from the month the vehicle is subject to Arizona registration; or
- b. Biennial registration expires on the last day of the month 24 months from the month the vehicle is subject to Arizona registration.
- E. Regardless of the effective date of initial registration, the renewal registration of an included vehicle shall expire as follows:
1. Annual registration expires 12 months from the expiration of the previous registration period; or
2. Biennial registration expires 24 months from the expiration of the previous registration period.
- F. The initial registration or renewal registration of an included vehicle shall contain the following items:
1. If a person physically submits the registration to the Motor Vehicle Division or a 3rd-party provider of registration functions:
- a. The application for registration or registration card, and
- b. Payment of registration fees; or
2. If a person electronically submits the registration of an included vehicle to a 3rd-party electronic delivery provider:
- a. Required registration information, and
- b. Credit card information.
- G. A person shall submit the renewal registration of an included vehicle not later than the day the prior registration period expires. If the prior registration period expires on other than a regular business day, a person shall submit the renewal registration of an included vehicle not later than the 1st regular business day after the prior registration period expires.
- H. The penalties imposed by A.R.S. § 28-2162 for delinquent renewal registration of an included vehicle shall apply when either of the following occurs:
1. A person does not submit to the Motor Vehicle Division or a 3rd-party provider of registration functions the items set forth at R17-4-218(F)(1) so that the items are received by the due date; or
2. A person does not electronically submit to a 3rd-party electronic delivery provider the items set forth at R17-4-218(F)(2) so that the items are received by the due date.
- I. The date of receipt of the items set forth at R17-4-218(F)(1) or R17-4-218(F)(2) shall be the following:
1. The date a person presents in person the items set forth at R17-4-218(F)(1) to a Motor Vehicle Division facility or the facility of a 3rd-party provider of registration functions;
2. The date of the United States Postal Service postmark stamped on the envelope containing the items set forth at R17-4-218(F)(1);
3. The date, as indicated on the shipping package, a private express mail carrier receives the package containing the items set forth at R17-4-218(F)(1);
4. The date of the last regular business day before the day the Motor Vehicle Division retrieves from a designated Motor Vehicle Division drop box the items set forth at R17-4-218(F)(1); or
5. The date a 3rd-party electronic delivery provider receives by computer or telephone the items set forth at R17-4-218(F)(2), unless the vehicle is not in compliance with the motor vehicle emissions testing requirements.
- J. The Motor Vehicle Division shall process renewal registrations presented in person at a Motor Vehicle Division facility only in accordance with A.R.S. § 28-2160.
- K. The Motor Vehicle Division or 3rd-party provider of registration functions shall assign and issue a number plate or plates to an included vehicle as evidence of registration.
1. The number plate or plates shall be attached and displayed on the assigned vehicle.
2. Improper number plate display shall subject the owner and operator of the vehicle to the sanctions imposed by A.R.S. § 28-2531(B) and 28-2532.
3. Any registration tabs or stickers issued by the Motor Vehicle Division or 3rd-party provider of registration functions shall be displayed on the appropriate number plate of the assigned vehicle.